TEXAS DEPARTMENT OF INSURANCE
Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
NORTH GARLAND SURGERY CENTER

Respondent Name
TRAVELERS INDEMNITY CO

MFDR Tracking Number
M4-18-0449-01

Carrier's Austin Representative
Box Number 05

MFDR Date Received
OCTOBER 20, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "At this time we are requesting that this claim be paid in accordance with the 2017 Texas Workers Comp Fee Schedule and Guidelines FOR Ambulatory Surgical Centers."

Amount in Dispute: $1,602.95

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "the Carrier contends the Provider is not entitled to additional reimbursement."

Response Submitted By: Travelers

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 20, 2017	Ambulatory Surgical Care for CPT Code 28725-RT	$447.56	$0.00
	Ambulatory Surgical Care for CPT Code 20680	$337.79	$335.48
	Ambulatory Surgical Care for CPT Code 27675	$0.00	$0.00
	Ambulatory Surgical Care for Code C1713	$0.00	$0.00
	Interest	$817.60	See Order below
TOTAL		$1,602.95	$335.48

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.402, effective August 31, 2008, sets out the reimbursement guidelines for ambulatory surgical care services.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
   - P12-Workers' compensation jurisdictional fee schedule adjustment.
   - W3-In accordance with TDI-DWC rule 134.804, this bill has been identified as a request for reconsideration or appeal.
   - 1001-Based on the corrected billing and/or additional information/documentation now submitted by the provider, we are recommended further payment to be made for the above noted procedure code.
   - 954-The allowance for normally packaged revenue and/or service codes have been paid in accordance with the dispersed outpatient allowance.

Issues

1. What is the applicable fee guideline?
2. Is the requestor entitled to additional reimbursement for the disputed services?

Findings

1. The fee guideline for Ambulatory Surgical Care services is found in 28 Texas Administrative Code §134.402.
2. The requestor is seeking additional reimbursement of $447.56 for CPT code 28725-RT.

28 Texas Administrative Code §134.402(d) states,

> For coding, billing, and reporting, of facility services covered in this rule, Texas workers' compensation system participants shall apply the Medicare payment policies in effect on the date a service is provided with any additions or exceptions specified in this section.

28 Texas Administrative Code §134.402(f)(1)(B) states,

> The reimbursement calculation used for establishing the MAR shall be the Medicare ASC reimbursement amount determined by applying the most recently adopted and effective Medicare Payment System Policies for Services Furnished in Ambulatory Surgical Centers and Outpatient Prospective Payment System reimbursement formula and factors as published annually in the *Federal Register*. Reimbursement shall be based on the fully implemented payment amount as in ADDENDUM AA, ASC COVERED SURGICAL PROCEDURES FOR CY 2008, published in the November 27, 2007 publication of the *Federal Register*, or its successor. The following minimal modifications apply: (1) Reimbursement for non-device intensive procedures shall be: (B) if an ASC facility or surgical implant provider requests separate reimbursement for an implantable, reimbursement for the non-device intensive procedure shall be the sum of: (i) the lesser of the manufacturer's invoice amount or the net amount (exclusive of rebates and discounts) plus 10 percent or $1,000 per billed item add-on, whichever is less, but not to exceed $2,000 in add-on's per admission; and (ii) the Medicare ASC facility reimbursement amount multiplied by 153 percent.

According to Addendum AA, CPT code 28725 is a non-device intensive procedure.

The Medicare fully implemented ASC reimbursement for code 28725 CY 2017 is $4,974.12.

To determine the geographically adjusted Medicare ASC reimbursement for code 28725

The Medicare fully implemented ASC reimbursement rate of $4,974.12 is divided by 2 = $2,487.06.

This number multiplied by the City Wage Index for Garland, Texas is $2,487.06 X 0.9895 = $2,460.95.

Add these two together = $4,948.01.

To determine the MAR multiply the geographically adjusted Medicare ASC reimbursement by the DWC payment adjustment factor of 153%

$4,948.01 X 153% = $7,570.45 or less. The requestor billed $7,134.00

The total allowable for ambulatory surgical care services for CPT code 28725-RT is $7,134.00. The respondent paid $7,134.00. As a result, additional reimbursement is not recommended.

The requestor is seeking additional reimbursement of $337.79 for code 20680.

According to Addendum AA, CPT code 20680 is a non-device intensive procedure.

The Medicare fully implemented ASC reimbursement for code 20680 CY 2017 is $1,030.52.

To determine the geographically adjusted Medicare ASC reimbursement for code 20680

The Medicare fully implemented ASC reimbursement rate of $1,030.52 is divided by 2 = $515.26.

This number multiplied by the City Wage Index for Garland, Texas is $515.26 X 0.9895 = $509.84.

Add these two together = $1,025.10.

To determine the MAR multiply the geographically adjusted Medicare ASC reimbursement by the DWC payment adjustment factor of 153%

$1,025.10 X 153% = $1,568.40 or less.

This code is not subject to multiple procedure discounting; therefore, the MAR is $1,568.40 or less. The respondent paid $1,232.92. As a result, additional reimbursement is recommended of $335.48.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is $335.48.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of $335.48 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

		11/28/2017
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.